

MINUTES

**Board of Architecture and Interior Design
Hampton Inn & Suites – Amelia Island
19 South Second Street
Fernandina Beach, FL 32034
904.491.4911**

**May 7, 2009
9:00 a.m.**

General Business Meeting

Call to Order

Joyce Shore called the meeting to order a 9:05 a.m.

Roll Call

Board Members Present:

John Ehrig
E. Wendell Hall
Rossana Dolan
Lourdes Solera
Mary Jane Grigsby
Aida Bao-Garciga
Garrick Gustafson

Board Members Absent

Eric Kuritzky, excused
Roymi Membiela, excused
Wanda Gozdz, excused

Others Present:

Mary Ellen Clark, Board Counsel
Anthony B. Spivey, Executive Director
Terri Estes, Government Analyst
David Minacci, Prosecuting Attorney
Trent Manausa
Other Interested Parties

Court Reporter: Statewide Reporting Service, 233 East Bay Street, Suite 606,
Jacksonville, Florida 32202. Telephone number 904.353.7706

Ms. Shore introduced Mr. Spivey to the board and the audience.

Mr. Spivey requested that the board members identify themselves prior to speaking on the record. Ms. Estes requested that the board members speak one at a time.

Ms. Shore welcomed Ms. Bao-Garciga to the board. Ms. Clark commented that Ms. Bao-Garciga could not participate in the meeting until certain paperwork was received the by Governor's Office.

Motion for Order Waiving Formal Hearing

Unlicensed

DBPR vs. JGR Drafting Design Services and Jerry G. Rega
Case Number 2007-054670

PCP: Rodriguez, Wirtz, and Gustafson

Jerry Rega was present and sworn in by the court reporter. Mr. Gustafson was recused from the review of the case. The case was before the board based on the respondent offering commercial drafting services. Probable cause was found to file a two count administrative complaint for practicing and offering architectural services without a license. The administrative complaint was hand served on November 5, 2008. The respondent failed to respond to the administrative complaint.

The panel recommended a \$5,000 fine plus costs. Mr. Rega was not at the panel meeting. Mr. Minacci commented that he offered commercial drafting services on his title block. He commented that the \$5,000 fine was high for the violation and requested that the board impose costs.

Mr. Rega commented that he received the notice from the law firm and was not sure how to respond. He did not dispute the facts. Ms. Clark commented that Mr. Rega could offer commercial drafting services to an architect but not to the end user. Mr. Minacci commented that he explained the statutes to Mr. Rega and the differences between the commercial drafting and the residential exemption.

The board discussed plan stamping and the confusion regarding the exemption on residential applications and the building code requirements.

Ms. Clark commented that it was an advertising case. Mr. Minacci requested that the board impose costs.

Motion: Ms. Solera moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Motion: Ms. Solera moved that the board impose costs.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

DBPR vs. Evan J. Cadwell and Design Line Drafting Service

Case Number 2007-029871

PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci pulled this case from review based on noticing issues.

Mr. Minacci requested that the following cases be continued to the next board meeting because the respondents would like to appear before the board.

DBPR vs. Panache Interior Design, Inc. and Caroline B. Rogow

Case Number 2007-025613

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Behar Design Associates, Inc. and Jordan Behar

Case Number 2008-047831

PCP: Rodriguez, Wirtz, and Gustafson

Motion: Mr. Hall moved that the cases be continued to the next board meeting.

Second: Ms. Solera seconded the motion and it passed unanimously.

Ms. Grigsby requested that the following case be pulled from the consent agenda based on a second offense.

DBPR vs. Mounir Consul and Mounir Consul & Associates, Inc.

Case Number 2007-042435

PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci commented that this was a second offense but he met with Mr. Consul's attorney and reviewed the statutes and rules. He commented that Mr. Consul understood that having a degree in architecture does not allow him to advertise that he is an architect. He commented that the respondent agreed to correct his advertisements.

Ms. Grigsby withdrew her request to pull the case from the consent agenda.

DBPR vs. Plans Services of Okeechobee and Robert Gable

Case Number 2008-021218

PCP: Rodriguez, Wirtz, and Gustafson

Ms. Estes referred the board to a letter from Mr. Gable requesting a continuance to the next meeting. Mr. Minacci requested that the board continue the case.

Motion: Ms. Solera moved that the board continue the case to the next board meeting.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

Settlement Stipulations on the Consent Agenda

Licensed

DBPR vs. Steven E. Myott
Case Number 2008-038502
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Guillermo C. Palmer
Case Number 2008-038505
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Michael Saruski and Saruski Design Studio
Case Number 2008-000747
PCP: Rodriguez, Wirtz, and Gustafson

Unlicensed

DBPR vs. New Age Design, Ltd. And Anthony Mella
Case Number 2007-056584
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Ronald W. Sivitz and Sivitz Innovative Designs
Case Number 2008-066734
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Vivian Berge Design and Vivian B. Tachdjian
Case Number 2008-037021
PCP: Rodriguez, Wirtz, and Gustafson

Motion: Ms. Solera moved that board approve the cases as presented on the consent agenda.

Second: Mr. Hall seconded the motion and it passed unanimously.

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Edwin Verdecia
Case Number 2008-023451
PCP: Rodriguez, Wirtz, and Gustafson

Mr. Verdecia was not present or represented by counsel. The case was before the board based on the respondent renewing his license without completing the required continuing education. Mr. Verdecia had not provided evidence of completing the required 20 hours of continuing education.

Probable cause was found to file a one count administrative complaint for failing to provide proof of completing continuing education. The administrative complaint was served by certified mail on September 29, 2008. The respondent responded to the administrative complaint but failed to dispute the facts.

The panel recommended a \$1,000 fine plus 40 hours of continuing education and suspension until compliance.

Motion: Mr. Hall moved that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the facts for failure to respond timely thereto.
Second: Ms. Grigsby seconded the motion.

Ms. Clark commented that he responded timely. Mr. Hall withdrew his motion and Ms. Grigsby withdrew her second.

Motion: Mr. Hall moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.
Second: Mr. Solera seconded the motion and it passed unanimously.

Mr. Minacci requested that the board impose a \$1,000 fine plus costs, 40 hours of continuing education and suspension until compliance.

Motion: Mr. Hall move that the board impose a \$1,000 fine plus costs, 20 hours of continuing education plus 20 penalty hours of continuing education and suspension until compliance.
Second: Ms. Solera seconded the motion and it passed unanimously.

The board reviewed the completion certificates provided and discussed that they could be used toward the penalty hours.

The motion was called and it passed unanimously.

DBPR vs. Collette Design Studio and Jurgen Muller
Case Number 2008-009436

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Muller was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. The case was before the board for offering interior design services on a web site when not licensed. Probable cause was found to file a one count administrative complaint for using the title interior designer. Service of the administrative complaint was attempted by hand delivery. Service was achieved by publication in Florida Business News Journal. The respondent failed to respond to the administrative complaint.

The panel recommended a fine of \$500 plus costs. Ms. Clark commented that respondent received the administrative complaint by by certified mail and publication.

Ms. Grigsby commented that this was a second offense. Mr. Minacci commented that the respondent signed an affidavit to cease and desist and the prior case was closed. The current case was for the use of the title on their web site. Mr. Minacci commented that he issued a cease and desist for this case but the respondent had not returned the affidavit.

Motion: Ms. Solera moved that the board find that the administrative complaint was properly served and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Mr. Hall seconded the motion and it passed unanimously.

Motion: Mr. Solera moved that the board adopt the findings of fact and conclusions of law as found in the administrative complaint.

Second: Mr. Hall seconded the motion and it passed unanimously.

Motion: Ms. Solera moved that the board impose a \$500 fine plus costs.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

DBPR vs. Design of the Interior and Kimerlee Dodson-Prescott

Case Number 2008-001663

PCP: Rodriguez, Wirtz, and Hall

Ms. Dodson-Prescott was not present or represented by counsel. The respondent completed a survey offering interior design services. The respondent's web site holds an individual out as being licensed when not licensed. This is a second offense. Probable cause was found to file a three count administrative complaint for practicing interior design when not licensed, holding themselves out as an interior designer when not licensed, and offering interior design services through a business entity without a certificate of authorization.

The administrative complaint was hand served. The panel recommended a \$15,000 fine plus costs.

Mr. Minacci presented a settlement stipulation that he received the morning of the meeting for \$5,000 fine plus costs. He requested that the board approve the settlement stipulation as presented.

Motion: Mr. Gustafson moved that the board approved the settlement stipulation

Second: Mr. Solera seconded the motion and it passed unanimously.

DBPR vs. David Lagares and LQL Management, Inc.

Case Number 2007-043301

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Lagares was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. The case was before the board based on a contract to offer architectural services for a four unit building. The respondent offered the services through a business entity and the respondent's web site offers interior design services without a license. Probable cause was found to issue a three count administrative complaint for offering architectural services without a license, using the title interior designer without a license, and offering the services through a business entity without a certificate of authorization.

The administrative complaint was hand served and the respondent failed to respond. The panel recommended a \$15,000 fine plus costs.

Ms. Solera asked if Carlos Llanos had a separate case. Mr. Minacci replied in the positive. According to the complainant, Mr. Lagares is no longer in the state of Florida.

Motion: Mr. Ehrig moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Mr. Hall seconded the motion and it passed unanimously.

Motion: Mr. Ehrig moved that the board impose a \$15,000 fine plus costs.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Mr. Ehrig commented that he would like to find this person to avoid this type of action happening to another consumer.

DBPR vs. Albert D. Lynch and Albert D. Lynch & Company

Case Number 2007-050849

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Lynch was not present or represented by counsel. Mr. Gustafson was recused from review of the case. The case was before the board based on the respondent contracting to offer interior design without a license. Probable cause was found to file a two count administrative complaint for offering interior design services and using the title interior designer when not licensed.

The administrative complaint was hand served and the respondent failed to respond. The panel recommended a \$10,000 fine plus costs.

Motion: Ms. Solera moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts for failure to timely respond thereto.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Motion: Ms. Solera moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Mr. Hall seconded the motion and it passed unanimously.

Motion: Mr. Solera moved that the board impose a \$10,000 fine plus costs.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

The board discussed how to educate the public on the differences between a decorator and a licensed interior designer. The board discussed that a public service announcement would be helpful. Mr. Spivey informed the board that the department was working on a list for the web site to help inform the public to know when they need a licensed individual or business.

DBPR vs. Ian Neuberger

Case Number 2008-022078

PCP: Rodriguez, Wirtz, and Hall

Mr. Neuberger was not present or represented by counsel. The case was before the board based on the respondent offering to provide signed and sealed plans on a residential project. Probable cause was found to file a one count administrative complaint for practicing architecture when not licensed.

Mr. Minacci commented that the respondent responded to the administrative complaint and requested a formal hearing. On March 9, 2009 the Division of Administrative Hearings (DOAH) entered an order relinquishing jurisdiction back to the board because the respondent failed to respond to the Division of Administrative Hearings' request for admissions. Therefore, there were no longer issues of disputed facts.

Ms. Clark commented that the board should proceed with a Section 120.57(2) hearing where there is no dispute of facts.

Motion: Mr. Hall moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Motion: Mr. Hall moved that the board impose \$5,000 fine plus costs.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Mr. Ehrig commented that the respondent holds a five-year professional degree and was having other licensed professional stamp his plans.

DBPR vs. Taffy L. Robinson and Taffy's Interior
Case Number 2008-007121

PCP: Rodriguez, Wirtz, and Gustafson

Ms. Robinson was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. The case was before the board based on a newspaper article stating that she provided interior design services for a hotel project. Probable cause was found to file a two count administrative complaint for practicing interior design and using the title interior designer when not licensed.

The administrative complaint was hand served and the respondent failed to respond. The panel recommended a \$10,000 fine plus costs.

Mr. Hall commented that this was a first offense. Ms. Clark requested that the board consider the penalty because individuals can't control what is printed in the newspaper.

Ms. Grigsby commented that her response to the investigation acknowledges that she completed the hotel project.

Motion: Mr. Hall moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts for failure to timely respond thereto.

Second: Ms. Solera seconded the motion and it passed unanimously.

Motion: Mr. Hall moved that the board adopt the finding of facts and conclusions of law as set forth in the administrative complaint.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

Motion: Mr. Hall moved that the board impose a \$2,000 fine plus costs.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

DBPR vs. Susan Gale & Associates and Susan Burns
Case Number 2008-006056

PCP: Rodriguez, Wirtz, and Gustafson

Ms. Burns was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. The case was before the board based on offering architectural services in a magazine advertisement. Probable cause was found to issue a two count administrative complaint for using the title architect and offering architectural services through a business entity when not licensed.

The administrative complaint was hand served and the respondent failed to respond. The panel recommended a \$5,000 fine plus costs.

Motion: Mr. Hall moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely thereto, that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

Motion: Mr. Hall moved that the board impose a \$2,000 fine plus costs.

Ms. Grigsby commented that the case was based on an advertisement and there is some confusion with graduates regarding interior architecture degrees. She requested that the fine be reduced.

Motion: Mr. Hall amended his motion to impose a \$500 fine plus costs.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

DBPR vs. Reves G. Timothy and Sehres & Timothy Architects, LLC

Case Number 2008-001383

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Timothy was not present or represented by counsel. Mr. Gustafson was recused from review of the case. The case was before the board based on the respondent entering into a contract offering architectural services and used the seal of an elderly licensee that had a history of memory loss. Further the respondent offered the services through a business entity when not licensed.

Probable cause was found to file a four count administrative complaint for practicing architecture when not licensed, using the title architect when not licensed, using the architectural license of another, and offering architectural services through a business entity when not licensed.

Hand service of the administrative complaint was attempted but failed. Service was achieved by publication in the South Florida Business New Journal and the respondent failed to respond. The panel recommended a \$20,000 fine plus costs.

The board discussed the severity of the case.

Motion: Mr. Ehrig moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the materials facts by failure to timely thereto, that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint

Second: Ms. Solera seconded the motion and it passed unanimously.

Motion: Mr. Ehrig moved that the board impose a \$20,000 fine plus costs and instructed Mr. Minacci to refer the case to the Attorney Generals Office for criminal charges as well as notify NCARB.

Second: Ms. Solera seconded the motion and it passed unanimously.

Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact

Licensed

DBPR vs. Barbara Van Voast

Case Number 2008-037745

PCP: Rodriguez, Wirtz, and Gustafson

Ms. Van Voast was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. The case was before the board based on lack of proof of compliance with continuing education. Probable cause was found to file a one count administrative complaint for failing to comply with the continuing education requirements for license renewal.

On December 25, 2008 the respondent replied to the administrative complaint waiving her right to be heard. The panel recommended a \$500 fine plus costs and 19 hours of continuing education within 120 days of the final order.

Motion: Mr. Ehrig moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Solera seconded the motion and it passed unanimously.

Motion: Mr. Ehrig moved the board impose a \$500 fine plus cost and 9 continuing education hours plus 10 hours penalty continuing education hours for a total of 19 continuing education hours within 120 days.

Second: Ms. Solera seconded the motion and it passed unanimously.

Motion for Final Order

DBPR vs. JRS Design, Inc. and Joseph R. Barna

Case Number 2007-062794

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Barna was not present or represented by counsel. Mr. Gustafson was recused from review of the case. The case was before the board based on the respondent entering into multiple contracts that offer interior design and architectural services. Probable cause was found to file a five count administrative complaint. The panel recommended a \$25,000 fine plus costs.

The respondent responded to the administrative complaint and elected a formal hearing. The respondent failed to submit admissions requested by the Division of Administrative Hearings. On April 1, 2009 the Division of Administrative Hearings relinquished jurisdiction back to the board.

Motion: Mr. Ehrig moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaints.
Second: Ms. Solera seconded the motion and it passed unanimously.

Mr. Minacci reported to the board that Mr. Barna was represented by counsel. His counsel requested that the case be reviewed by the Probable Cause Panel and neither the respondent nor counsel appeared at the meeting. Mr. Minacci had a verbal agreement with the respondent's counsel and the respondent refused to sign the settlement stipulation. The respondent's counsel withdrew from the case.

Ms. Dolan commented that she was concerned that the schools were not informing students about the licensure requirements and that the students were not allowed to practice until licensed. The board discussed the fact that two students from FAMU were on the agenda for practicing prior to licensure. Mr. Minacci reported that he and Mr. Manausa present the laws and rules to FAMU students annually. Mr. Spivey commented that this was a concern with other professions and that Ms. Chastain and Ms. Estes had presented to FAMU students the licensure requirements.

Motion: Ms. Solera moved that the board impose a \$20,000 fine plus costs.
Second: Mr. Ehrig seconded the motion and it passed unanimously.

Reconsideration

DBPR vs. Patty Castillo
Case Number 2005-047653
PCP: Rodriguez, Wirtz, and Bullock

Ms. Castillo was not present or represented by counsel. Mr. Minacci requested that the board reconsider her final order. On March 3, 2006 probable cause was found to file a two count administrative complaint for holding herself out as an interior designer on a business card.

Service was attempted by hand delivery but failed. Service was achieved by publication in the Broward Daily Business Review. On December 11, 2006 a final order was entered for a penalty of \$10,000 fine plus costs.

Ms. Castillo claims that she never received notice of the action and is requesting that the board reconsider her penalty. Mr. Minacci commented that once she found out about the final order she contacted him immediately. He commented that if the case was new a cease and desist would have been issue instead of an administrative complaint.

Ms. Clark commented that after 30 days of the filing of the final order the board had no jurisdiction. She recommended that the board could not reconsider the

final order but give Mr. Minacci direction or penalty guidance on how to settle the case.

Mr. Gustafson commented that her letter indicates that she is destitute.

Motion: Mr. Hall moved that the board propose that she sign a cease and desist affidavit, close the case and requirement that she change her e-mail address.

Second: Mr. Gustafson seconded the motion and it passed unanimously.

Settlement Stipulations

Licensed

DBPR vs. James T. Melvin

Case Number 2007-007048

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Melvin was not present or represented by counsel. Mr. Gustafson was recused from review of the case. The case was before the board based on an unlicensed individual entering into a contract and the respondent signing and sealing the drawings without meeting with the client. Probable cause was found to file a two count administrative complaint for aiding and abetting unlicensed activity and improperly certifying work of another.

The panel recommended a one year suspension and a \$5,000 fine plus cost. The stipulation reflects three year probation, a \$2,500 fine plus costs and the respondent must appear before the board.

Mr. Minacci commented that Mr. Melvin was to appear before the board at the past two board meetings and the case was continued because Mr. Melvin's wife passed away. He commented that Mr. Melvin's attorney has had difficulty reaching Mr. Melvin.

Mr. Minacci reviewed the probation requirements and requested that the board approve the stipulation as presented. He advised the board that this was a second offense.

Motion: Mr. Ehrig moved that the board adopt the settlement stipulation and waive the appearance requirement outlined in the stipulation.

Second: Mr. Hall seconded the motion.

Mr. Ehrig commented that plan stamping was prevalent in Mr. Melvin's area.

The question was called, it passed with Ms. Solera opposed.

Unlicensed

DBPR vs. Architropolis Corporation and Michael Czysz
Case Number 2008-016090

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Czysz was not present or represented by counsel. Mr. Gustafson was recused from review of the case. The case was before the board based on the respondent contracting to offer interior design services on two commercial projects. Probable cause was found to file a four count administrative complaint two counts for practicing interior design when not licensed, one count of using the title interior when not licensed, and offering interior design services through a business entity without a certificate of authorization.

The panel recommended a \$20,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs. The fine was reduced because it was a first time offense, the respondent is out of state, and the respondent agreed to comply.

Motion: Mr. Hall moved that the board approve the settlement stipulation as presented.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

DBPR vs. Carlton George Forbes

Case Number 2008-006722

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Forbes was not presented or represented by counsel. Mr. Gustafson was recused from review of the case. The case was before the board based on the respondent, a licensed engineer, signing and sealing residential plans without the involvement of a licensed architect and the unlicensed draftsman entered into the contract with the client. Probable cause was found to file a one count administrative complaint.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflects a \$2,500 fine plus costs. The fine was reduced because it was a first time offense and the respondent agreed to comply.

Motion: Mr. Hall moved that the board approve the settlement stipulation as presented.

Second: Ms. Solera seconded the motion and it passed unanimously.

DBPR vs. Douglas W. Lowe

Case Number 2007-068823

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Lowe was not present or represented by counsel. Mr. Gustafson was recused from review of the case. The case was before the board based on the respondent, a licensed engineer, signing and sealing plans without the involvement of an architect and the drawings were prepared by a draftsman that

held the contract with the client. Probable cause was found to file a one count administrative complaint for aiding and abetting unlicensed activity.

The panel recommended a \$5,000 fine plus cost. The settlement stipulation reflects a \$2,500 fine plus costs. The fine was reduced because this was a first time offense and the respondent agreed to comply.

Motion: Ms. Solera moved that the board approve the settlement stipulation as presented.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

DBPR vs. Mounir Consul and Mounir Consul & Associates, Inc.

Case Number 2007-042435

PCP: Rodriguez, Wirtz, and Hall

Mr. Consul was not present or represented by counsel. The case was before the board based on the respondent using the title master of architecture and offering the services through a business when not licensed. Probable cause was found to file a three count administrative complain for practicing architecture when not licensed, using the title architect when not licensed and offering services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects a \$5,000 fine plus costs. This was a second offense. Mr. Minacci met with the respondent and his attorney and they agreed to comply. He confirmed for the board that Mr. Consul complied with the prior disciplinary action.

Motion: Mr. Gustafson moved that the board approve the settlement stipulation as presented.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

DBPR vs. Ranson Construction, Inc. and James R. Ranson

Case Number 2008-044987

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Ranson was not present or represented by counsel. Mr. Gustafson was recused from review of the case. The case was before the board based on the respondent offering architectural services for a commercial project. Probable cause was found to file a two count administrative complaint for practicing architecture when not licensed and offering services through a business entity when not licensed.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflects a \$1,500 fine plus costs. The fine was reduced because it was a first offense, the respondent was a licensed contractor and used a licensed engineer for the project and the respondent now understands Chapter 481, Florida Statutes.

Motion: Mr. Ehrig moved that the board approve the settlement stipulation
Second: Ms. Solera seconded the motion and it passed unanimously.

DBPR vs. Wenzel Grove Delineation and Christopher Wenzel

Case Number 2008-019795

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Wenzel was not present or represented by counsel. Mr. Gustafson was recused from review of the case. The case was before the board based on the respondent offering design services when not licensed and offered the services through a business entity when not licensed. Probable cause was found to file a two count administrative complaint for practicing architecture when not licensed and offering services through a business entity without a certificate of authorization.

The panel recommended a \$10,000 fine plus costs. The settlement stipulation reflects a \$2,500 fine plus costs. The fine was reduced because it was a first time offense, the respondent agreed to comply and the respondent worked with licensed professional.

Motion: Mr. Hall moved that the board approved the settlement stipulation as presented.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

The meeting recessed at 11:30 a.m.

MINUTES

**Board of Architecture and Interior Design
Hampton Inn & Suites – Amelia Island
19 South Second Street
Fernandina Beach, FL 32034
904.491.4911**

**May 8, 2009
9:00 a.m.**

General Business Meeting

Call to Order

Ms. Shore called the meeting to order at 9:04 a.m.

Roll Call

Board Members Present:

John Ehrig
E. Wendell Hall
Rossana Dolan
Lourdes Solera
Mary Jane Grigsby
Aida Bao-Garciga
Garrick Gustafson

Board Members Absent

Eric Kuritzky, excused
Roymi Membiela, excused
Wanda Gozdz, excused

Others Present:

Mary Ellen Clark, Board Counsel
Anthony B. Spivey, Executive Director
Terri Estes, Government Analyst
David Minacci, Prosecuting Attorney
Trent Manausa
Gerald Steven Jernigan
Pamella Anderson
Stephanie Sipp
Tonya Whitaker
Peter Jones
Other Interested Parties

Court Reporter: Statewide Reporting Service, 233 East Bay Street, Suite 606, Jacksonville, Florida 32202. Telephone number 904.353.7706

Ms. Bao-Garciga would not be able to vote as a new board member.

Continuing Education

The Construction Specifications Institute (CSI) requested board recognition as a provider whose courses are accepted without pre-review

Mary Ellen Clark referred the board to a provision in the board's rule and in order for the Construction Specifications Institute to be approved as an automatic provider the rule must be amended.

Mr. Ehrig commented that he was familiar with the quality of CSI and their courses. He commented that he had a concern with how they would administer and track the courses. The board discussed that CSI would issue a completion certificate and the licensee was responsible for maintaining their course information. The board discussed how CSI would report the course credits to the department.

The board discussed a concern with updating the handbook through a rule change. The board discussed the pros and cons to automatic approved providers.

Mr. Ehrig commented that he was concerned with the local chapters offering courses and those courses not being approved by the national chapter.

Mr. Ehrig requested that a representative from CSI be present at the July meeting. The board discussed the quality of the provider and their courses but wanted additional information prior to granting an automatic approval status. The board discussed the advantage of having another provider outside of the state of Florida.

The board discussed the availability of reasonably priced courses for local or out of state licensees.

The board discussed approving only national level providers and the local chapters would have the courses approved by the national level similar to AIA. The board discussed inviting a local representative to attend the July meeting since they normally have a representative attend the Florida AIA Conference.

The board discussed that approving CSI would require a handbook change which would require rule noticing and development.

Motion: Mr. Ehrig requested additional information written or verbal to explain the list of courses by subject, category and course name that would allow them to have automatic provider status and they could send a representative.

Second: Mr. Gustafson seconded the motion and it passed unanimously.

The board requested that Mr. Spivey send a letter to CSI.

Review and Approval of Meeting Minutes

September 2, 2008 – telephone conference call

Motion: Mr. Gustafson moved that the minutes be approved as presented.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

Ratification Lists

Applicants list 1 of 2

Motion: Mr. Ehrig moved that the board approve the list as presented.

Second: Mr. Gustafson seconded the motion and it passed unanimously.

Applicants list 2 of 2

Motion: Mr. Ehrig moved that the board approve the list as presented.

Second: Mr. Gustafson seconded the motion and it passed unanimously.

Continuing Education

Motion: Mr. Ehrig moved that the board approve the list as presented.

Second: Ms. Solera seconded the motion and it passed unanimously.

Architecture Discussion

2009 NCARB Joint Regional Meeting – John Ehrig

Draft of the Resolutions to be Acted Upon at the 2009 Annual Meeting and Conference

Region 3 NCARB – Regional Director's Report

April 2009 NCARB News Clips

Mr. Ehrig reported that the Intern Development Program (IDP) was being overhauled with electronic and online filing as well as the time interns spent on certain practice areas. Interns will receive credit based on their timesheet reflecting the hours they worked instead of just an eight hour day. There were

some concerns with the electronic submittals and tracking but it was working well with great reviews.

The board discussed educating the universities regarding IDP so their graduates could begin the IDP process. The board discussed providing helpful links on the department's web page to the ARE NCARB IDP web site.

Mr. Ehrig reported that NCARB would discuss a resolution regarding responsible supervisory control for Integrated Project Delivery and Building Information Modeling (BIM). The issue was who was responsible when an engineer modifies an architect's plans.

The board discussed the National Architecture Accrediting Board's (NAAB) role and direction with mentoring students in the IDP program.

Ms. Clark requested that she be approved to attend the NCARB meeting in Chicago.

Motion: Ms. Solera moved that the board approve the travel request to include Mary Ellen Clark's attendance at the NCARB meeting in Chicago.

Second: Mr. Hall seconded the motion and it passed unanimously.

Mr. Ehrig reported that NCARB suspended candidates from testing because of cheating.

Interior Design Discussion

Request for Board approved curricula per Rule 61G1-22, F.A.C.
International Academy of Design and Technology – Orlando
Bachelor of Fine Arts Degree in Interior Design

Mr. Butler provided a report regarding his review of the program based on the rule requirements and recommended that the board approve the program.

Motion: Ms. Grigsby moved that the board approved the International Academy of Design and Technology – Orlando as a board approved program.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

NCIDQ Bylaws, Revised November 15, 2008
No discussion.

General Discussion

Letter from Dr. O'Neil requesting the board members refrain from receiving compensation for board meeting attendance

The board discussed the letter and took no action.

Rules Report and Discussion

Ms. Clark reviewed her rules report.

Proposed Rule Language for Rule 61G1-22.002 and 22.003, Florida Administrative Code (F.A.C)

Ms. Clark commented that at the January meeting the board determined that Rule 61G1-22.002 would impact small business and a Statement of Estimated Regulatory Cost (SERC) must be completed. Ms. Solera commented that the proposed language for Rule 61G1-22.002 would not impact small business but would impact an individual.

The board discussed whether the proposed language change to Rule 61G1-22.002 would impact small business. The requirements for an individual or business were the same and did not change from the previous language to the proposed language. After discussion the board determined that there was no impact on small business and a SERC was not required.

Motion: Mr. Ehrig moved that there was not impact on small business and a SERC was not required.

Second: Mr. Hall seconded the motion and it passed unanimously.

Motion: Mr. Ehrig moved that the board approve the proposed language as presented for Rule 61G1-22.002, F.A.C.

Second: Mr. Hall seconded the motion and it passed unanimously.

Motion: Ms. Grigsby moved that the board approve the proposed language for Rule 61G1-22.003, F.A.C.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

The Joint Administrative Procedures Committee was challenging the need for Rule 61G1-21.004, Florida Administrative Code and requested that it be repealed.

Motion: Ms. Solera moved that the board repeal Rule 61G1-21.004, F.A.C.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Reports

Chair's Report – Joyce Shore

Ms. Estes provided the board with an updated schedule for the July board meeting.

Executive Director's Report – Tony Spivey
Financial Report December 31, 2008

Mr. Spivey reviewed the Financial Report and reported that the board had a positive balance.

IDAF – Janice Young

Janice Young thanked the board for answering the Petition for a Declaratory Statement. She reported on the Legislative Session and how they reviewed a disciplinary case against Mr. Pierce and Restaurant Equipment World. She reported that House Bill 1303 proposed adding language to the definitions of interior design exempting restaurant equipment suppliers, commercial kitchen designers and office furniture suppliers, vendors, etc. to allow them to provide space planning.

Ms. Young provided some examples of the legislation based on good intentions but the Legislators did not understand the law or proposed language.

Ms. Young reported that House Bill 425 was approved providing for the exemption for individuals or businesses that provide or supply commercial restaurant equipment for commercial kitchens.

The board discussed that Mr. Pierce was not cited for practicing interior design but architecture. Ms. Young testified that restaurant commercial kitchens were not interior design but related and coordinated with architects or engineers. Mr. Pierce hired his own lobbyist to lobby exemption language for restaurant equipment service. Mr. Pierce's banner was persecution by prosecution.

Ms. Young reported that no one testified in opposition of the bill with the exception of interior designers, interior designer educators, and interior design students. She reported that Ms. Dolan attended the hearings. She reported that the Legislators were concerned with prosecution.

Ms. Young reported that the restaurant equipment suppliers, kitchen suppliers and office furniture dealers attempted to reduce the budget line item for the prosecution contract so unlicensed activity could not be funded.

Ms. Young reported that IDAF worked with the Florida Building Commission so interior designers were recognized and able to submit signed and sealed plans within the limits of Chapter 481, Florida Statutes. She reported that some counties are requesting that commercial furniture plans be signed and sealed. She reported that Florida AIA was suing the Florida Building Commission based on the language.

Ms. Dolan thanked Ms. Young for testifying before the Legislature. She commented that it was a learning process for her, Legislators that sponsored Bills and others in attendance.

Ms. Young reported that there was discussion about the Florida Board of Professional Engineers returning under the umbrella of the Department of Business and Professional Regulation because of budgetary issues.

AIA Florida – Steve Jernigan

Steve Jernigan, President AIA Florida and Peter Jones, Executive Committee Treasurer AIA Florida were present to provide a report.

Mr. Jernigan thanked the board members for their service and welcomed Mr. Spivey.

Mr. Jernigan reported that several Legislators were approached by individuals regarding reciprocity and Florida's education requirements for licensure. Legislation was proposed to change the cut off date for an accredited degree requirement from 1984 to 2000. Mr. Jernigan commented that AIA Florida requested that the board work with AIA Florida and create language that would recognize architects through the NCARB Broadly Experience Architect (BEA) process.

Mr. Jernigan commented that AIA Florida created a Task Force that included Miguel Rodriguez to review education requirements. The NCARB BEA certification would allow Florida to license appropriate architects. AIA Florida would like the issue resolved before the next legislative session and requested input from the board.

Mr. Ehrig commented that he was open minded but did not want to reduce the education standards and substitute education with experience. He commented that he was not interested in changing the statute for one individual because he or she did not meet the education requirements that had been in the statute prior to 1984. He commented that he wanted the best architects based on education, examination, and experience.

Ms. Clark commented that the five year degree had been required since 1969. Mr. Jernigan commented that he was seeking dialogue before the next legislative session because the issue would be up for review again. Mr. Jernigan commented that Mr. Rodriguez could provide a review regarding the merits of the NCARB BEA program. He commented that in order to pull the proposed language to change the education date from 1984 to 2000, that they open the dialogue with the board.

Mr. Jernigan reported that if AIA Florida and the board could not reach a solution or alternate route then the Legislature would create language without input. Ms.

Dolan commented that it took her eight years to gain licensure in Florida based on the current language and her foreign education. She applied through the NCARB Foreign Evaluation endorsement process and she felt it was a statutory problem that needed to be addressed.

Mr. Jernigan commented that it was AIA Florida's job to advocate changes and the board's job to regulate.

Mr. Jernigan reported that the department proposed changing the renewal date from every two years to every four years. He commented that AIA Florida opposed sales tax on services. He thanked Thad Altman for working on Florida AIA's behalf.

Mr. Jernigan commented that construction projects were worthy of stimulus packages and not just roads.

Mr. Jernigan reported that AIA Florida advocated that Chapter 481, Florida Statutes remain as is and did not advocate changes. He commented that AIA Florida got caught up in cross fire with restaurant, kitchen and furniture dealers as well as the concern about the unwarranted and excessive prosecution. He commented that AIA Florida was instrumental regarding the passage of the legislation to move the prosecution and investigation functions out of the department and into a privatized function. He commented that there is positive effect from the spread of unlicensed activity. He commented that AIA Florida has heard from Legislators and AIA members regarding excessive prosecution for administrative technicalities such as certificate of authorization numbers not being posted on job sites, stationery, or web pages.

Mr. Jernigan commented that the perception is that the board was perceived as being obstructionist rather than working to assist professional licensees and applicants. He commented that the board and probable cause panel should focus more on cases that effect the public's health, safety, and welfare. He commented that the board should be more helpful with administrative issues. He commented that AIA Florida offered staff to contact the licensee instead of them being prosecuted or being issued a cease and desist order. Mr. Jernigan commented that AIA Florida wanted to be a solution to those problems.

Mr. Jernigan reported that AIA Florida and IDAF worked together for the common good of the professions. He commented that they reviewed Chapter 481, Florida Statutes and the scope is clear that the present language for interior design excludes the design or responsibility for architectural work except the specifications of fixtures and their locations. He commented their concern was the potential confusion during the building permit process and quoted 481.213(1), Florida Statutes.

Mr. Jernigan reported on the Florida Building Commission regarding the glitch bill to include interior designers in the building code. AIA Florida filed legal action against the Florida Building Commission for how the language was implemented.

Mr. Jernigan reported that some testimony given by some individuals about the Bills could be misleading to the Legislators and the public. He commented that in a hearing regarding Senate Bill 482 related to the exclusions proposed regarding modular office furniture and kitchen equipment several individuals stated that architects and interior designers were responsible for designs that conform to the life, safety, and fire codes. He commented that testimony specifically referred to the need for an architect or interior designer for modular office furniture or pre-wiring for receptacles. Additionally, certain permit jurisdictions were requiring life safety plans for construction documents. He commented that an individual testified that interior design licensure came about due to a state of disasters in the United States and to ensure the public that life safety systems and codes were met.

Mr. Jernigan reported that testimony was provided to the Senate Committee that the problems that precipitated the proposed changes to Chapter 481 were a direct result of overzealous prosecution by the board's attorney. It was suggested to the Committee that if the privatized function were eliminated or at the very least that the probable cause panel review return to the department that it was alleged that an excess of 80% of the complaints were received from disgruntled designers which resulted in cease and desist orders.

Mr. Jernigan commented that the prosecutor's role was to protect the public's health safety and welfare by the practice of architecture and interior design it should focus on the illegal practice. He commented that they strongly support the privatized function of the board's prosecution and investigation. He commented that the privatization of the prosecution and investigation was a positive function and has impacted unlicensed activity. He commented that the board should prioritize their efforts appropriately regarding well intentioned individuals when they make honest mistakes.

Presentations

Appreciation for Service Acknowledgment for Rita Scholz and Lorraine Bragg.

Prosecuting Attorney's Report – David K. Minacci

Licensed Architecture Legal Cases

Licensed Interior Design Legal Cases

Unlicensed Architecture Legal Cases

Unlicensed Interior Design Legal Cases

Licensed/Unlicensed Investigative Cases

Fines Chart Licensed

Fines Chart Unlicensed

Billable Hours December 2008

Billable Hours January 2009
Billable Hours February 2009
Billable Hours March 2009
Board Meeting Results January 7, 2009
Probable Cause Panel Meeting Results January 9, 2009
Probable Cause Panel Meeting Results March 27, 2009
Press Releases/Speaking Engagements/Other Correspondence

The board discussed fines imposed and collected. Mr. Minacci responded to Mr. Jernigan's comments regarding citations for offering services without a certificate of authorization which the fine ranges from \$500 to \$1000 and issuing citations in the amount of \$250 to businesses or individual for failing to place their license number on advertising mediums. He commented that the board was his client and his understanding was the board wanted citations issued. He commented that there was an avenue for issuing notices of non-compliance for the same violations. He requested direction from the board to issue citations or notices of non-compliance.

Mr. Ehrig commented that AIA Florida offered assistance on administrative technical errors. He commented that he received a telephone call from an architect because a \$250 citation was issue for failing to have his license number on an advertisement. Mr. Minacci commented that he could not look the other way for AIA members when they violate the statute and discipline non AIA members for the same violation. He commented that he has to handle and investigate the cases submitted. He commented that he is down to one investigator so the cases are generated from the public not his investigator surfing the internet. He commented that complaints are driven by individuals that have cases issued against them so they surf and file complaints on others.

Ms. Clark commented that the board dictates how violations are handled through rules. She commented that Mr. Minacci had to treat every complaint received the same. She commented that if the board did not want violations handled by citation then they should repeal the rule. She commented that the board could direct Mr. Minacci to issue notices of non-compliance. Ms. Solera commented that the board should change the rule or enforce the rule.

Mr. Manausa commented that certain violations are not public knowledge so AIA Florida would not be informed of all violations. Mr. Spivey informed the board that board staff is proactive regarding contacting licensed individuals when they do not display their license number on their stationery or advertising medium to avoid the licensee being cited and educate them on the advertising rule. Ms. Solera commented that the board should remind licensees about the advertising rule so they do not inadvertently violate the advertising rule.

The board requested that AIA Florida and IDAF remind their licensure base of the rules. Ms. Young commented that Mr. Minacci was consistent with his

prosecution. She commented that the privatization of the prosecution had combated aiding and abetting unlicensed activity.

Board Member Training

Mr. Spivey provided an overview of the Division of Professions and the Department's mission and goals as well as financial management policies, revenues, expenses, cash balance, travel reimbursements, and Legislative Affairs.

Ms. Clark provided an overview of the Office of Attorney General, Ethics, Sunshine Law, Standards of Conduct, Absences, Voting, Public Records, Rule Making, Section 120, Florida Statutes, and Statements of Estimated Regulatory Cost (SERC).

Mr. Minacci provided an overview of the disciplinary process including the intake and analysis of complaints, issuance of notices to cease and desist, citations, notices of non-compliance, legal review, prosecuting a violation, the probable cause panel, case resolution, final orders, and hearings.

The board thanked Ms. Chastain for her service to the board.

Motion: Mr. Hall moved that the board recognize Juanita Chastain at the next board meeting.

Second: Mr. Gustafson seconded the motion and it passed unanimously.

Future Board Meetings

July 27-28, 2009 – General Business Meeting, Tampa

July 29, 2009 – Probable Cause Panel Meeting, Tampa

October 28, 2009 – Probable Cause Panel Meeting, Miami

October 29-30, 2009 – General Business Meeting, Miami

The board scheduled a June 23, 2009 telephone conference call.

New Business

The board discussed receiving continuing education provider and course applications by electronic mail.

The board expressed some concern regarding the lack of information and preparation of the continuing education courses they received for review. The board expressed a need for training on reviewing continuing education provider and course applications.

Old Business

No old business.

Adjourn

The meeting adjourned at 1:14 p.m.